

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed May 20, 2004. Claims 1-30 are pending in the Application and stand rejected. Applicant respectfully requests reconsideration and favorable action in this case.

Section 112 Rejections

The Examiner rejects Claims 1, 8, 14, and 21 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner asserts that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. In particular, the Examiner asserts that “[s]pecification of the instant application discloses base station of foreign network using device identifier of mobile unit, acquired by detection of mobile unit in foreign network. . .” *Office Action*, p. 2. Moreover, according to the Examiner:

[s]pecification of instant application then immediately discloses that because foreign agents may register with home agent at any time, home agent and foreign agent may establish tunnel in advance of mobile unit roaming into foreign network thus supporting a virtually seamless handoff mobile unit into foreign network. See pages 9-11 of specification. In the method disclosed in above identified independent claims, based station receives device identifier of mobile unit and, as disclosed in specification, this is done by base station detecting presence of mobile unit in network. Examiner respectfully points out this subsequently discloses mobile unit has roamed into foreign network.”

Office Action, p. 2-3.

Applicant, however, respectfully contests the Examiner’s reading of the specification. Applicant notes that the specification as originally filed clearly indicates that “station 22 detects mobile unit 24 when mobile unit 24 moves into *or near* a service area of foreign network 18.” *Application*, p. 9, ll. 8-10, emphasis added. Additionally, the specification states that “[b]ecause foreign agents 20 may register with home agent 14 at any time, home agent 14 and foreign agent 20 may establish a tunnel *in advance of* mobile unit 24 roaming into foreign network 18.” *Application*, p. 11, ll. 3-5, emphasis added. Therefore, the Examiner’s conclusion that “this subsequently discloses mobile unit has roamed into foreign

network” does not follow from the specification. For at least these reasons, the Application as originally filed supports the limitation(s) of “requesting subscription information from the home agent in advance of the mobile unit roaming into a foreign network associated with a foreign agent” as recited by Claim 1. Thus, Applicant respectfully traverses this rejection. Although Claim 1 differs in scope from Claims 8, 14, and 21, the application as originally filed supports the limitations of Claims 8, 14, and 21 for substantially similar reasons to those discussed for Claim 1.

Claim Rejections – 35 U.S.C. §102

The Examiner rejects Claims 1-30 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,137,791 issued to Frid, et al. (“*Frid*”). Claim 1 recites:

A method for supporting data communications comprising:
receiving a device identifier from a mobile unit;
determining a home agent for the mobile unit based on the device identifier;
requesting subscription information from the home agent in advance of the mobile unit roaming into a foreign network associated with a foreign agent, wherein the subscription information comprises an internet protocol (IP) address for the mobile unit; and
initiating registration of the foreign agent with the home agent, wherein the registration permits the foreign agent to receive redirect packets from the home agent, the redirect packets containing information for communication to the mobile unit.

Frid fails to teach, either expressly or inherently, every element of Claim 1. *Frid* does not disclose “requesting subscription information from the home agent in advance of the mobile unit roaming into a foreign network associated with a foreign agent” as recited by Claim 1. The Examiner asserts that “*Frid* et al. teaches method of said claims as it discloses base station receiving mobile identification number, identifying home agent and IP address of mobile unit in order to set up tunnel between home and foreign agents before a data communication session for mobile unit has been started . . .” To whatever extent this may be true, *Frid* still does not disclose “requesting subscription information from the home agent in advance of the mobile unit roaming into a foreign network associated with a foreign agent[.]” As noted previously, *Frid* states that “[w]henver a particular mobile station travels into a particular geographic area, a base station (BS) 30 serving, that geographic area transmits identification data informing the mobile station of the current location.” Col. 4, ll. 29-32. Additionally, *Frid* notes that “[u]tilizing such identification data, the mobile station 20 realizes that it ahs traveled into a new geographic area being covered by a new visited mobile switching center (VMSC) 40 and performs a registration.” Col. 4, ll. 32-36. As a result, *Frid* clearly does not teach “requesting subscription information from the home agent in advance of the mobile unit roaming into a foreign network associated with a foreign agent” as recited by Claim 1.

Thus, *Frid* fails to teach, expressly or inherently, every element of Claim 1. Furthermore, the limitations recited by Claim 1 are fully supported by the Application as originally filed. Claim 1 is thus allowable for at least these reasons. Applicant respectfully requests reconsideration and allowance of Claim 1 and its dependents.

Although of differing scope from Claim 1, Claims 8, 14, 21, and 26 include elements that, for reasons substantially similar to those reasons discussed with respect to Claim 1, are not taught, either expressly or inherently, by the cited references. Additionally, as discussed above, Claims 8, 14, 21, and 26 are also fully supported by the Application as originally filed. Claims 8, 14, 21, and 26 are thus allowable for at least these reasons. Applicant respectfully requests reconsideration and allowance of Claims 8, 14, 21, and 26 and their respective dependents.

Conclusion

Applicant has made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of the Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

No fees are believed to be currently due, however, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant



Samir A. Bhavsar
Reg. No. 41,617

Date: July 16, 2004

Customer Number:

05073